UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/533,772	06/22/2006	David Flattin	0579-1088	8199

466 7590 08/10/2010	**EXAMINER**
YOUNG & THOMPSON	RONI, SYED A
209 Madison Street	

ART UNIT	PAPER NUMBER
2194	

Suite 500
Alexandria, VA 22314

NOTIFICATION DATE	DELIVERY MODE
08/10/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

DocketingDept@young-thompson.com

Advisory Action *Before the Filing of an Appeal Brief*	Application No. *10/533,772*	Applicant(s) FLATTIN ET AL.
	Examiner SYED RONI	Art Unit 2194	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED <u>28 July 2010</u> FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

 a) ☒ The period for reply expires <u>5</u> months from the mailing date of the final rejection.

 b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

 Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

<u>NOTICE OF APPEAL</u>

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

<u>AMENDMENTS</u>

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because

 (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);

 (b) ☐ They raise the issue of new matter (see NOTE below);

 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

 NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

 The status of the claim(s) is (or will be) as follows:

 Claim(s) allowed: _____.

 Claim(s) objected to: _____.

 Claim(s) rejected: <u>1 - 20</u>.

 Claim(s) withdrawn from consideration: _____.

<u>AFFIDAVIT OR OTHER EVIDENCE</u>

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome <u>all</u> rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

<u>REQUEST FOR RECONSIDERATION/OTHER</u>

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
 <u>See Continuation Sheet.</u>

12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____

13. ☐ Other: _____.

/Hyung S. SOUGH/
Supervisory Patent Examiner, Art Unit 2194
August 5, 2010

Continuation of 11. does NOT place the application in condition for allowance because: Applicant's arguments found to be not persuasive because of the following reasons. Applicant argued on pages 9 - 11 of the Remark submitted on 07/28/2010 that the prior art on the record Zuppicich fails to disclose a register in a microcircuit card. Instead discloses the register at the terminal end and as a consequence Zuppicich fails to disclose on reception of a first message from a terminal, said message including said logical identifier of the data object, to communicate to the terminal at least one second local reference of the data object, obtained from said at least one first local reference. The Examiner respectfully disagrees with this argument because Zuppicich discloses a card interface. The interface is an interconnection point between the card and the host. Thus, the interface is a part of the card.There must be a storage means in the interface to hold different sets of low level protocols and commands to communicate or translate high level language commnads. Thus, the storage means in the interface of the card is being interpreted as the register in the microcircuit card. Zuppicich further discloses that the interface of the card stores low level protocol sets [i.e., "logical identifiers" (see figure 6)] corresponding to each known data storage card type to communicate or tanslate high level language commands [i.e., "first message"] from the host application using corresponding low level protocol commands [i.e., "first local reference local to the card" (see figure 6)], [col. 2, lines 20 - 25]. Zuppicich further discloses, the interface reads commands in said established low level protocols from said card and translate them to corresponding commands in said high level language and writes them to a corresponding command in high level language [i.e., "one second local reference of the data object, obtained from the one first local reference" (col. 2, lines 26 - 30), (see figure 6)]. Thus, the low level protocols are the logical identifier of the card type and the low level protocol commands are the local reference for the card and the translation of the low level protocol back to the corresponding high level commands are interpreted as the second local reference obtained from the first local reference to communicate to the terminal.